

BOARD OF APPEALS CASE NO. 4967

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BEFORE THE

APPLICANT: Vincent Delair

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a porch
within the required front yard setback;
705 Burnside Drive, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/25/99 & 9/1/99

HEARING DATE: October 27, 1999

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Record: 8/27/99 & 9/3/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Vincent Delair, trading as American Design and Building. The Applicant is requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code, to construct a porch within the required 32 foot front yard setback in an R2 District.

The subject parcel is owned by Walter and Mary Mitchell and is located at 705 Burnside Drive in the Third Election District. The parcel is identified as Parcel No. 848, in Grid 1-F, on Tax Map 49. The parcel contains .29 acres, more or less, and is zoned R2.

Mr. Walter Mitchell appeared and testified that he and his wife, Mary, have owned the subject parcel since 1977 and that the parcel is improved by a single-family dwelling, an above-ground swimming pool, and a storage building. Mr. Mitchell said that he is requesting a variance to construct a front porch with dimensions of 6 feet by 22 feet. The witness said that he is requesting a variance to the required 32 foot front yard setback and is proposing a 30 foot setback. Mr. Mitchell said the subject parcel is unique because it is a corner lot located at the intersection of Burnside Drive and Ruger Drive and that he did not feel approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors have appeared in opposition to the request.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The proposed 6 foot porch is not an excessive request and requires a 2 foot variance from the Code requirements. The requested variance is minor in nature. The proposal should have little or no adverse impact on the intent of the Code and/or the surrounding properties, nor should it hinder visibility for traffic."

CONCLUSION:


The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, which requires a 35 foot front yard setback in the R2 District. Section 267-23(C)(1)(a)(2) permits a 3 foot encroachment into the setback for porches; therefore, the Applicant is required to maintain a 32 foot front yard setback and is proposing a 30 foot front yard setback.

The testimony of the Applicant's witness is that the subject property is unique because it is a corner lot which requires two front yard setbacks, thereby reducing the usable area on the parcel. No evidence was introduced that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant's witness in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the porch.

Date NOVEMBER 18, 1999



L. A. Hinderhofer
Zoning Hearing Examiner